

**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)

REC'D 21 NOV 2005  
WIPO PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference KP:LMB:FP20760	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. PCT/AU2004/001673	International filing date ( <i>day/month/year</i> ) 29 November 2004	Priority date ( <i>day/month/year</i> ) 27 November 2003
International Patent Classification (IPC) or national classification and IPC  Int. Cl. 7 G06T 11/00; G08B 5/22; H04M 1/00		
<b>Applicant</b> SMART INTERNET TECHNOLOGY CRC PTY LTD et al		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 3 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 26 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;"><b>Box No. I</b></td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. II</b></td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. III</b></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. IV</b></td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><b>Box No. V</b></td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. VI</b></td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. VII</b></td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. VIII</b></td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	<b>Box No. I</b>	Basis of the report	<input type="checkbox"/>	<b>Box No. II</b>	Priority	<input type="checkbox"/>	<b>Box No. III</b>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	<b>Box No. IV</b>	Lack of unity of invention	<input checked="" type="checkbox"/>	<b>Box No. V</b>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	<b>Box No. VI</b>	Certain documents cited	<input type="checkbox"/>	<b>Box No. VII</b>	Certain defects in the international application	<input type="checkbox"/>	<b>Box No. VIII</b>	Certain observations on the international application
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Date of submission of the demand 23 June 2005	Date of completion of the report 9 November 2005
Name and mailing address of the IPEA/AU  AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>JUZER KHANBHAI</b> Telephone No. (02) 6283 2176

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/AU2004/001673

**Box No. I Basis of the report**

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1 (b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
  - the international application as originally filed/furnished
  - the description:
    - pages 1 as originally filed/furnished
    - pages\* received by this Authority on with the letter of
    - pages\* 2-21 received by this Authority on 30 June 2005 with the letter of 29 June 2005
  - the claims:
    - pages as originally filed/furnished
    - pages\* as amended (together with any statement) under Article 19
    - pages\* received by this Authority on with the letter of
    - pages\* 22-27 received by this Authority on 30 June 2005 with the letter of 29 June 2005
  - the drawings:
    - pages 1/4-4/4 as originally filed/furnished
    - pages\* received by this Authority on with the letter of
    - pages\* received by this Authority on with the letter of
  - a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to the sequence listing (*specify*):
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to the sequence listing (*specify*):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.

PCT/AU2004/001673

**Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1-42	YES
	Claims -	NO
Inventive step (IS)	Claims 1-42	YES
	Claims -	NO
Industrial applicability (IA)	Claims 1-42	YES
	Claims -	NO

**2. Citations and explanations (Rule 70.7)**

Claims 1-42: The invention defined by the amended claims relate to a communication system and method including a determining means to determine an attribute of a communicating device, an identifying means to identify an avatar by using the attribute and a communicating means operable to communicate the avatar to the communication device in a virtual environment.

No individual citation or obvious combination of citations discloses communicating an avatar in a virtual environment. Hence, the claimed invention is novel and inventive.